

JAN 24 2011

Doc Code: PET.OP

Document Description: Petition for Review by the Office of Petitions

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: NAMVAR, KIANOUSHApplication No.: 10/563,396Art Unit: 2425Filed: October 19, 2007Examiner: SAINT CYR, JEAN D.Title: SIGNAL TRANSMISSION MANAGEMENT SYSTEM

Attention: Office of Petitions

Mail Stop Petition --

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- ☒ Small entity-fee \$ 810 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of response to the Final Office Action (identify type of reply):

☒ has been filed previously on DECEMBER 28, 2010☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____☐ is enclosed herewith.

01/25/2011 HMRZ11 00000006 10563396

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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 24 2011

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

JANUARY 20, 2011

Date

NAMVAR, KIANOUSH

Type or Printed name

TRONDHEIMSGATAN 48

Address

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Address

Registration Number, If applicable

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Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: RCE


CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

JANUARY 23, 2011

Date


Signature

NAMVAR, KIANOUSH

Typed or printed name of person signing certificate

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CENTRAL FAX CENTER
JAN 24 2011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/563,396 Confirmation No.: 3013
Applicant(s): Namvar, Kianoush
Filed: October 19, 2007
Art Unit: 2425
Examiner: Saint Cyr, Jean D.
Title: SIGNAL TRANSMISSION MANAGEMENT SYSTEM

Docket No.:
Customer No.: 11996

Filed Via USPTO Central Fax

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**STATEMENT
UNDER 37 C.F.R. § 1.137(b)**

This statement is submitted along with a new reply to the Final Office Action dated June 28, 2010, a petition for revival of the above-identified application and appropriate fees in reply to the Notice of Abandonment dated January 4, 2011.

Applicant has received a letter from his attorney on December 16, 2010, and later on, a Notice of Decision on the attorney's Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 22, 2010. Therefore, Applicant called the Examiner on December 27, 2010, to explain the situation and inform the Examiner that a response for the last Office Action has not been filed yet and it was impossible to find a new attorney to handle the application in such short notice during the new year Holidays. However, it was mentioned that a response would be filed as soon as possible.

In response to the Final Office Action dated June 28, 2010, a timely reply has been filed along with a credit card payment form PTO-2038 on the very last day, on December 28, 2010. The reply has been transmitted by facsimile to the United States Patent and Trademark Office at

Appl. No.: 10/563,396
Amdt. Dated January 23, 2010
Statement under 37 C.F.R. § 1.137(b)

(571) 273-8300 and the receipt has been acknowledged by the USPTO Central Fax Center agents *(the date and further information can be retrieved from the USPTO PAIR system)*. A

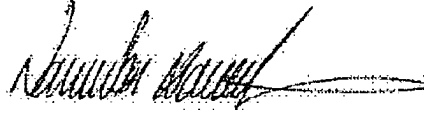
Continuation Application was also filed via USPTO E-Filing system on the same date and appropriate fees was charged to the same credit card number without any trouble.

Unexpectedly, Applicant received a Notice of Abandonment on January 17, 2011, and for that reason immediately contacted several offices by the USPTO regarding the Notice of Abandonment. The USPTO Office of Petitions noted that the credit card has been declined without further explanation. No further attempt to charge the credit card has been carried out by the office.

Considering that there have been sufficient funds in the account for the credit card to be charged, it is therefore not clear what kind of error has been encountered during the attempt to charge the credit card and whether it was a technical or human error.

Accordingly, it is requested that the Director of the USPTO consider this statement and petition for revival of the above-identified abandoned application on the grounds that the failure to reply was unintentional, in accordance with the provisions of 37 C.F.R. § 1.137(b).

Respectfully submitted,



Kianoush Namvar
Applicant

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